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| 10/541,575 | 07/07/2005 | Klaus Thimm | 03100240AA | 7812 |
| 30743 | 7590 | 11/19/2007 | | |
| WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190 | | | EXAMINER HINZE, LEO T | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,575

Applicant(s)

THIMM ET AL.

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050707, 20060914.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, drawn to a method for printing a print web.

Group II, claim(s) 8-17, drawn to a printing machine.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: For example, Group II requires several features not required by Group I, including a printing belt and machine stands for the printing units.

During a telephone conversation with Michael Whitman on 03 October 2007 a provisional election was made without traverse to prosecute the invention of Group II, claims 8-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-7 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

3. It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/DE03/04258, filed 30 December 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37

CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Objections

4. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 9 contains the sole feature "characterized in that the supporting belt runs substantially rectilinearly." This feature is also contained in claim 8.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 14 recites the feature "the impression cylinder is aligned tangentially with the supporting rollers." It is not clear exactly what is intended by the feature "aligned tangentially." To expedite prosecution, the examiner will interpret "aligned tangentially with the supporting cylinders" to mean that the impression cylinder and supporting rollers are aligned such that their axes are parallel.

Correction or clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christoph et al., US 5,479,855 (hereafter Christoph) in view of Huebner, US 2,408,143 (hereafter Huebner).

a. Regarding claim 8:

Christoph teaches a printing machine having a plurality of printing units ("at least one printing station for each color," col. 1, l. 24), which each have a circulating printing belt (11, Fig. 4) carrying a printing plate ("the belt being provided with one or a plurality of printing plates," col. 6, ll. 12-13) and a printing belt guided around a plate cylinder (3, Fig. 4) and an ink applicator device (14, 15, Fig. 4), and having a print web guidance system with rollers and pressing devices for pressing the print web onto the printing belt with the printing plate (impression cylinder 6, Fig. 4, presses the print web onto the printing belt; web is inherently guided, as without guidance, the printing machine would not operate properly for its intended use of printing), characterized in that the printing units are constructed on machine stands

(frame 1, Fig. 4) and aligned (multiple units would inherently be aligned along the direction of the web).

Christoph does not teach a supporting belt moved at the speed of the print web, the printing units aligned along the supporting belt, and the supporting belt preferably running substantially rectilinearly. Christoph teaches the use of multiple printing stations, but is silent as to the structure and arrangement of a multi-station printing machine. Christoph is also silent regarding the structure and arrangement of the web guiding apparatus.

Huebner teaches an apparatus for multicolor printing on a web including multiple printing units (see Fig. 1), a supporting belt (72, Fig. 1) moved at the speed of the print web (76, Fig. 1), printing units (71, Fig. 1) aligned along the supporting belt, and the supporting belt preferably running substantially rectilinearly (see rectilinear arrangement of supporting belt, Fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Christoph to include a supporting belt moved at the speed of the print web, printing units aligned along the supporting belt, and the supporting belt preferably running substantially rectilinearly, because Huebner teaches that a supporting belt moved at the speed of the print web, printing units aligned along the supporting belt, and the supporting belt preferably running substantially rectilinearly are desirable for multicolor printing, and the ordinarily skilled person would have been motivated to look to Huebner to teach the structure and arrangement of a multicolor press about which Christoph is silent.

b. Regarding claim 9, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 8 as discussed in the rejection of claim 8 above. The

combination of Christoph and Huebner also teaches wherein that the supporting belt runs substantially rectilinearly (see rectilinear arrangement of supporting belt, Huebner, Fig. 1).

c. Regarding claim 10:

The combination of Christoph and Huebner teaches the printing machine as claimed in claim 8 as discussed in the rejection of claim 8 above. The combination of Christoph and Huebner also teaches that the printing units are mounted on machine stands (Christoph, 1, Fig. 4) which are arranged in parallel, in that the plate cylinders of the printing units are arranged at the same height in the printing state (Huebner, Fig. 1, all printing units at the same height).

The combination of Christoph and Huebner does not teach wherein the supporting belt runs substantially horizontally above the plate cylinder.

It has been held that mere rearrangement of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(VI).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to additionally modify Christoph wherein the supporting belt runs substantially horizontally above the plate cylinder, because a person having ordinary skill in the art would recognize that arranging the belt to run horizontally above the plate cylinder would not affect the operation of the printing machine, and it may have other advantages, such as ease of maintenance.

d. Regarding claim 11, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 8 as discussed in the rejection of claim 8 above. The

combination of Christoph and Huebner also teaches wherein the supporting belt circulates over supporting rollers (Huebner, 73, 74, Fig. 1).

e. Regarding claim 12, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 11 as discussed in the rejection of claim 11 above. The combination of Christoph and Huebner also teaches wherein the supporting rollers are arranged close together (supporting roller 73, 74, appear to be "close together," Huebner, Fig. 1).

f. Regarding claim 13, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 8 as discussed in the rejection of claim 8 above. The combination of Christoph and Huebner also teaches wherein an impression cylinder (Christoph, 6, Fig. 4) is arranged opposite the plate cylinders (Christoph, 3, Fig. 4).

g. Regarding claim 14, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 13 as discussed in the rejection of claim 13 above. The combination of Christoph and Huebner also teaches wherein the impression cylinder is aligned tangentially with the supporting rollers (Huebner, support rollers 73 and 74 appear to be aligned such that their axes are parallel to the axes of the cylinders in the printing units, Fig. 1).

h. Regarding claim 15, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 13 as discussed in the rejection of claim 13 above. The combination of Christoph and Huebner also teaches wherein the print web (Christoph, print web 8 touches the plate cylinder, Fig. 4) is guided through the printing unit with the supporting belt (10) on the side facing away from the impression cylinder. One having

ordinary skill in the art would know to arrange the print web and support belt such that the print web was on the side facing the printing plate, as one having ordinary skill would recognize that the goal is to imprint the web, not the support belt.

i. Regarding claim 16, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 8 as discussed in the rejection of claim 8 above. The combination of Christoph and Huebner also teaches wherein the printing units (Christoph, Fig. 4) are set up to accommodate printing belts (Christoph, 11, Fig. 4) of different lengths (Christoph, "depending on the length of the endless belt 11, the tensioning roll 10 is adjustably and displaceably supported," col. 6, ll. 13-15).

j. Regarding claim 17, the combination of Christoph and Huebner teaches the printing machine as claimed in claim 8 as discussed in the rejection of claim 8 above. The combination of Christoph and Huebner also teaches a slip-free drive of the supporting belt (Huebner, "belt 72 ... adapted to be driven ... in timed relation with the rotation of the cylinders of the printing couples," col. 3, ll. 70-75).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Raymond et al, US 5,729,817 teaches a multi-color printing unit having multiple printing stations and a belt supporting the web of printing material (Fig. 1).

b. Kushner, US 3,993,505, teaches a multicolor printing unit having a belt to support the printing web (Fig. 1).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
05 November 2007


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER